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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ADAM J. CROSS,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

No. 1:24-CV-00858 (GSA)

**STIPULATION AND ORDER FOR
AWARD AND PAYMENT OF
ATTORNEYS FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT (28
U.S.C. §2412(d))**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
2 attorneys, subject to the approval of the Court, that Adam J. Cross (“Plaintiff”) be awarded
3 attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in the
4 amount of five thousand six hundred and ninety-nine dollars and sixty-five cents (\$5,699.65).
5 This represents compensation for legal services rendered on behalf of Plaintiff by counsel in
6 connection with this civil action, in accordance with 28 U.S.C. §2412 (d).

7 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider
8 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*
9 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the
10 attorney fees are subject to any offset allowed under the United States Department of the
11 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will
12 determine whether they are subject to any offset.

13 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
14 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the
15 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively
16 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments
17 made shall be delivered to Plaintiff’s counsel by electronic transfer or by check.

18 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA
19 attorney fees and does not constitute an admission of liability on the part of Defendant under
20 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any
21 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees
22 and expenses in connection with this action.

23 This award is without prejudice to the rights of Plaintiff’s counsel to seek Social Security
24 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

25
26 Respectfully submitted,

27 Dated: January 30, 2025

NEWEL LAW

28

By: Melissa Newel
Melissa Newel
Attorney for Plaintiff
ADAM J. CROSS

Dated: January 30, 2025

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration

By: Marcelo Illarmo*
MARCELO ILLARMO
(*Authorized by email dated 01/30/2025)
Special Assistant U.S. Attorney
Attorneys for Defendant

ORDER

IT IS ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d), attorney fees in the amount of **five thousand six hundred and ninety-nine dollars and sixty-five cents (\$5,699.65)** be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: January 31, 2025

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE